

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 14-18, 1998

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-14	EX	74/618,652	International Data Group, Inc.	Cissel Seeherman Walters*	2(e)(1)	Refusal Affirmed		"IWAY" [newsletters, journals, newspapers and books regarding online communication topics; dissemination of information regarding online communication to others through the use of an online electronic communications network; providing online access through the use of a computer to magazines, newsletters, journals, newspapers and books regarding online communication topics]		Kaiser	No
9-14	EX	75/200,800	European American Bank	Seeherman Walters* Wendel	Section 6 disclaimer requirement (of word "ACCESS-LINE")	Refusal Affirmed		"EAB ACCESSLINE" (and design) [automated telephone banking services]		Sappenfield	No
9-15	EX	74/619,299	Creative Healthcare Solutions, Inc.	Simms Hairston* Walters	2(d); 2(e)(1)	Refusal Affirmed [but only on 2(e)(1) ground]		"SHORTSTAY SUITES" [providing medical clinical and personal healthcare services within an assisted living or other residential setting]	"SHORT STAY METHADONE RESIDENCE" [health services, namely, residential substance abuse treatment services]	W. K. Price	No
9-15	EX	74/675,504	L. Perrigo Co.	Seeherman Hanak Chapman*	2(e)(1)	Refusal Reversed		"CONFIRMED RELEASE" (and design) [dietary supplements]		Micheli	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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9-18	CANC	22,285	Redmond Products, Inc. v. ETS, Inc.	Simms Hohein Walters*	abandonment; whether the record owner of the registration received a valid assignment of the registration	Petition to Cancel Dismissed (as to both of respondent's registrations)		"AUSTRALIAN GOLD" [sunscreen lotion]; "AUSTRALIAN GOLD" [skin care preparations, namely, suntanning and moisturizing creams and lotions]			No
9-18	EX	74/529,796	Platinum Technology, Inc.	Hanak Quinn Wendel*	Section 6 disclaimer requirement (of the word "INTEGRATOR")	Refusal Reversed		"PLATINUM INTEGRATOR" [computer software for use in database design, implementation, administration and management, database query and reporting and for programming and application development, and instruction manuals sold as a unit therewith]		Mancini	No
9-18	CANC	23,622	SmithKline Beecham Corp. v. Tocad Co., Ltd.	Simms Cissel Hairston*	2(d)	Petition to Cancel Denied	"AQUA FRESH," "AQUAFRESH," and "AQUA-FRESH" [all three marks for "toothpaste"] and "AQUA-FRESH FLEX" [toothbrushes], cancellation petitioner asserting a family of marks	"AQUA FLOSS" [water jet oral hygiene device for cleaning and irrigating gums and spaces between teeth]			No
9-18	EX	74/629,013	Asics Corp.	Quinn Hohein Chapman*	2(d)	Refusal Affirmed		"AIR BORN" [snow board]	"AIRBORNE" [roller skates]	Horrall	No

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9-18	EX	74/679,615	James V. Young	Hanak Hohein Walters*	de jure functionality; whether the matter applicant seeks to register as a trademark has become distinctive of its goods; whether applicant's description of its mark is sufficiently clear and accurate for registration purposes	Refusal Affirmed (on all grounds)		"configuration of a hand-held massager with a generally circular head and a handle possessing a keyhole grip, the top and bottom of which grip duplicate the waveform of the handle shaft" [hand-held massage apparatus]		Jenkins	No
9-18	EX	74/715,228	Transterra Co.	Simms Hanak Walters*	2(d)	Refusal Affirmed		"UPSIDE" [electronic brokerage services, namely, providing computer instructional services for the electronic processing of stock brokerage transactions via a global computer information network]	"UPSIDE CD" (in stylized lettering) [banking and financial services in the nature of issuing certificates of deposit]	Kline	No

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